

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
No. 3:04CV269-H**

**PCA NATIONAL LLC and PCA LLC,**

**Plaintiffs,**

**v.**

**AVERY G. MABE and DANIEL S. HETH,**

**Defendants.**

**CONSENT JUDGMENT OF  
PERMANENT INJUNCTION**

Plaintiffs PCA National LLC and PCA LLC (together "PCA") and defendants Avery G. Mabe and Daniel F. Heth consent to and request entry of this Consent Judgment of Permanent Injunction. The Court finds and concludes that it has jurisdiction over the subject matter of this action and the parties and that the parties have requested entry of this Consent Judgment as part of their settlement of this case.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

1. That defendants Mabe and Heth are permanently enjoined from the misappropriation, use or disclosure of PCA's confidential and proprietary information, which is defined for purposes of this Consent Judgment of Permanent Injunction as PCA's pricing statistics, actual production and sales results, research regarding sales and marketing, sales data and information not otherwise available to the trade, customer lists (except that Heth's personal customer list, which is attached as Exhibit A to the Agreement and Release executed in conjunction with this Consent Judgment of Permanent Injunction, shall not be considered as confidential or proprietary information of PCA and Heth may maintain, use and update this list),

cost estimator, and future plans or projections regarding the business of PCA. The Court shall have jurisdiction to enforce any violation of this permanent injunction.

2. The injunction set forth above in paragraph 1 shall constitute a full and final resolution of PCA's claims in this action.

3. The parties shall bear their own costs.

This 21<sup>st</sup> day of September, 2005.

Carl Horn, III  
Carl Horn, III  
United States Magistrate Judge

CONSENTED TO:

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Della Bordeaux  
Assistant Vice President  
PCA National LLC and PCA LLC

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